

REMARKS/ARGUMENTS

This is in response to the Office Action of May 20, 2004. The period for response has been extended by a period of three (3) months by the enclosed Petition for Extension of Time. Applicants have also submitted herewith a Petition for Revival of an Application for a Patent Abandoned Unintentionally under CFR 1.137(b).

In the previously mentioned Office Action the Examiner imposed a Restriction Requirement. Applicants' attorney elected provisionally to prosecute the invention of polycaprolactone/polyglycolide copolymer in claims 1-13.

Applicants affirm this election with traverse. It is respectfully submitted that it would not impose an undue burden upon the Examiner to search the other polymeric species. Claim 14 is cancelled without prejudice in further response to the Examiner's restriction requirement.

Amendments were made to the Specification to eliminate and correct typographical errors and printer errors.

The Examiner rejected claims 1-3, 5-7, 9-12 and 14 under 35 USC 103(a) as being obvious over U.S. Patent No. 6,093,201 to Cooper et al. in view of Applicants' admitted prior art and in further view of WO 93/15682 to Small et al. The Examiner rejected claims 4, 8 and 13 under 35 USC 103(a) as being obvious over U.S. 6,093,201 to Cooper et al. in view of Applicants' admitted prior art in view of WO 93/15682 to Small et al. in view of EP 0144537 to Bezwada et al. and in further view of U.S. Patent No. 5,547,542 to Lundberg et al.

The rejection of Claims 1-3, 5-7, 9-12 and 14 under 35 USC 103(a) as being obvious over U.S. Patent No. 6,093, 201 to Cooper et al. in view of Applicants' admitted prior art and in further view of WO 93/15682 to Small et al. is respectfully traversed.

Neither Cooper nor Wall, alone or in combination, disclose or suggest Applicants' claimed invention of first and second bioabsorbable contact surfaces wherein at least one surface

has at least in part a biosorbable coating for the purpose of reducing device drag. In particular, Small et al. discloses a coating for reducing tissue drag, but neither reference contemplates, discloses nor suggests the solution to the problem of device drag with bioabsorbable medical devices as disclosed by Applicants. Examiner has pointed to no reference or teaching suggesting the desirability of disclosing the two references, and, the combination of the two references would not produce Applicants' claimed invention. In addition, Cooper is a co-inventor of the present invention, and this reference should be disqualified under 35 U.S.C. 103 (c) since the subject matter of the Cooper reference was commonly owned by Ethicon, Inc. at the time that the present invention was made.

Accordingly, the Examiner is respectfully requested to withdraw.

The rejection of claims 4, 8 and 13 under 35 USC 103(a) as being obvious over U.S. 6,093,201 to Cooper et al. in view of Applicants' admitted prior art in view of WO 93/15682 to Small et al. in view of EP 0144537 to Bezwada et al. and in further view of U.S. Patent No. 5,547,542 to Lundberg et al. is respectfully traversed.

None of the references alone or in combination disclose or suggest Applicants' claimed invention directed towards a medical device having bioabsorbable contact surfaces wherein at least one surface is coated with a bioabsorbable coating. The Examiner has pointed to no teaching or suggestion regarding the desirability of combining the references. Indeed, the combination of references would not produce Applicants' claimed invention. In addition, Cooper is a co-inventor of the present invention, and this reference should be disqualified under 35 U.S.C. 103 (c) since the subject matter of the Cooper reference was commonly owned by Ethicon, Inc. at the time that the present invention was made. Similarly, the Bezwada reference should be disqualified under 35 U.S.C. 103 (c) since the subject matter of the Bezwada reference was commonly owned by Ethicon, Inc. at the time that the present invention was made.

Accordingly, on the basis of the foregoing discussion the Examiner is respectfully requested to withdraw this rejection.

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Therefore, in view of the arguments above, the Examiner is respectfully requested to withdraw his rejection and allow the claims of record.

Respectfully submitted,
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